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Attorneys for John Hancock Life Insurance Company (U.S.A.), John Hancock Life Insurance Company of New York, John Hancock Investment Management Services, LLC, John Hancock Funds, LLC, and John Hancock Distributors, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

_____)	
DANIELLE SANTOMENNO, et al.,)	
)	
Plaintiffs,)	Civil Action No. 2:10-cv-01655-WJM-MF
)	
vs.)	<i>Document electronically filed.</i>
)	
John Hancock Life Insurance Company)	
(U.S.A.), John Hancock Life Insurance)	ORAL ARGUMENT REQUESTED
Company of New York, John Hancock)	
Investment Management Services, LLC,)	
John Hancock Funds, LLC, and John)	NOTICE OF MOTION TO DISMISS THE
Hancock Distributors, LLC,)	AMENDED COMPLAINT PURSUANT
)	TO FED. R. CIV. P. 12(b)(1) AND (6)
Defendants.)	
_____)	

TO: Robert Lakind
SZAFTERMAN, LAKIND, BLUMSTEIN & BLADER, P.C.
101 Grovers Mill Road, Suite 200
Lawrenceville, New Jersey 08648

Moshe Maimon
LEVY, PHILLIPS & KONIGSBERG, LLP
800 Third Avenue, 13th Floor
New York, NY 10022
Attorneys for Plaintiff

COUNSEL:

PLEASE TAKE NOTICE that on a date and time to be set by the Court, Goodwin Procter LLP and Gibbons P.C., attorneys for defendants John Hancock Life Insurance Company (U.S.A.), John Hancock Life Insurance Company of New York, John Hancock Funds, LLC, John Hancock Investment Management Services, LLC, and John Hancock Distributors, LLC (“Defendants”), shall move for an Order under Federal Rules of Civil Procedure 12(b)(1) and (6) to dismiss Plaintiff’s First Amended Class Action Complaint (the “Amended Complaint”) with prejudice for lack of jurisdiction and failure to state a claim upon which relief may be granted, on the grounds that: (1) Plaintiff lacks standing to assert her claim under § 36(b) of the Investment Company Act of 1940, as amended, (“ICA”) and fails to state a violation of ICA § 36(b); (2) Plaintiff lacks standing to assert her claim under ICA § 47(b) and fails to state a violation of ICA § 27(f); (3) Plaintiff lacks standing to assert her claims under the Employee Retirement Income Security Act of 1974, as amended, (“ERISA”) and fails to state a claim for breach of ERISA fiduciary duty or prohibited transaction under ERISA against Defendants, who are not relevant ERISA fiduciaries; (4) Plaintiff fails to state a claim against John Hancock Funds, LLC (“JHF”) or John Hancock Distributors, LLC (“JHD”) because the relief sought as to them is unavailable; and (5) Plaintiff fails to state a claim as against both John Hancock Life Insurance Company (U.S.A.) (“JHUSA”) and John Hancock Life Insurance Company of New York (“JHNY”), as she does not allege that she has had a relationship with each party.

PLEASE TAKE FURTHER NOTICE that in support of the Motion, Defendants shall rely upon the brief filed in support of Defendants’ Motion to Dismiss Plaintiff’s First Amended Class Action Complaint, the Certification of Alison V. Douglass, Esq. and the exhibits annexed thereto, and all other pleadings and memoranda on file in this matter.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

PLEASE TAKE FURTHER NOTICE that a proposed form Order is submitted
herewith.

Dated: July 16, 2010
Newark, New Jersey

Respectfully Submitted,

s/ Kevin J. McKenna
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